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3 KENNETH HUTCHINS,
4 Plaintiff,
5 v.
6 JOE A. LIZARRAGA,
7 Defendant.

8 Case No. 17-cv-03921-BLF
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**ORDER GRANTING
ADMINISTRATIVE MOTION TO FILE
UNDER SEAL**

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13 On August 18, 2020, Petitioner, by and through his counsel of record, filed an ex parte
14 administrative motion to file under seal the declaration of appointed counsel, which counsel filed
15 to support her ex parte application for replacing appointed counsel. *See Mot.*, ECF 38; *Appl.*, ECF
16 37. For the reasons stated below, the administrative motion to seal at ECF 38 is GRANTED.

17 **I. LEGAL STANDARD**

18 “Historically, courts have recognized a ‘general right to inspect and copy public records and
19 documents, including judicial records and documents.’” *Kamakana v. City and Cnty. of Honolulu*,
20 447 F.3d 1172, 1178 (9th Cir. 2006) (quoting *Nixon v. Warner Commc’ns, Inc.*, 435 U.S. 589, 597
21 & n.7 (1978)). Consequently, filings that are “more than tangentially related to the merits of a
22 case” may be sealed only upon a showing of “compelling reasons” for sealing. *Ctr. for Auto*
23 *Safety v. Chrysler Grp., LLC*, 809 F.3d 1092, 1101-02 (9th Cir. 2016). Filings that are only
24 tangentially related to the merits may be sealed upon a lesser showing of “good cause.” *Id.* at
25 1097; *see also Kamakana*, 447 F.3d at 1179 (“[T]he public has less of a need for access to court
26 records attached only to non-dispositive motions because those documents are often unrelated, or
27 only tangentially related, to the underlying cause of action.”). Parties moving to seal the
28 documents attached to such motions must meet the lower “good cause” standard of Rule 26(c).

1 *Kamakana*, 447 F.3d at 1179 (internal quotations and citations omitted). This standard requires a
2 “particularized showing,” *id.*, that “specific prejudice or harm will result” if the information is
3 disclosed. *Phillips ex rel. Estates of Byrd v. Gen. Motors Corp.*, 307 F.3d 1206, 1210–11 (9th Cir.
4 2002); *see* Fed. R. Civ. P. 26(c).

5 **II. DISCUSSION**

6 The Court has reviewed the sealing motion and declaration submitted in support thereof.
7 This document subject to the motion to seal is only tangentially related to the merits of Petitioner’s
8 habeas claim and thus must meet the good cause standard under Rule 26(c). The Court finds that
9 Petitioner’s counsel has articulated compelling reasons of attorney-client privilege and attorney
10 work product doctrine to seal the declaration and finds the request is narrowly tailored.

11 **III. CONCLUSION**

12 For the reasons stated above, Petitioner’s administrative motion to seal at ECF 38 is
13 GRANTED.

14 **IT IS SO ORDERED.**

16 Dated: August 19, 2020



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BETH LABSON FREEMAN
18 United States District Judge